
DISTRICT No. 34, THE BIG LOST RIVER

PREVIOUSLY ADOPTED RESOLUTIONS THAT WILL REMAIN IN EFFECT UNTIL CHANGED BY SUBSEQUENT RESOLUTION OR OTHERWISE ALTERED BY MAJORITY VOTE OF THE WATER RIGHT OWNERS IN THEIR ANNUAL MEETING OR SPECIAL MEETING CALLED FOR SUCH PURPOSE

1. ANNUAL MEETING DATE**Superceded 2019**

Annual meetings of Water District No. 34 shall be held on the first Monday in March of each year at a time and location determined at the previous annual meeting. The annual meetings shall be held at a location in Moore. (Moore Community Center)

2. WATERMASER TERM OF SERVICE**Adopted 2013**

It is herewith resolved, pursuant to Idaho code 42-608, that the Water District 34 watermaster shall serve throughout the year.

3. COLLECTION OF THE BUDGET AND DISBURSEMENT OF FUNDS**Adopted 2013**

It is herewith resolved that the adopted budget for the ensuing year be collected by the Water District No. 34 watermaster as provided by Idaho code 42-618. All funds shall be deposited in a bank account maintained by the water district at US Bank in Mackay, ID.

Furthermore, be it resolved that all disbursement of funds shall require the signature of two persons, one of which may be an advisory committee member and neither of which may be the payee of the disbursement.

4. RESPONSIBLE PARTY FOR WATER DISTRICT ASSESSMENTS**Adopted 2013**

Where a water right or group of related water rights is held by more than three parties, Water District 34 will request a single contact be named as the responsible party to receive notifications, invoices, etc. related to district activities.

5. DISTRICT PAYMENT TERMS**Adopted 2013**

It is herewith resolved that the following payment terms be put into effect:

1. Assessments shall be paid within thirty (30) days of the billing date. The postmark date will be considered the date of payment. Accounts not paid in full within thirty (30) days shall be charged in accordance with Idaho code 42-617 which provides for a late fee of 10% of the amount due and interest of 1% per month for each month past due.

2. The watermaster will not deliver water to any water user whose assessments are not paid in full.

6. MINIMUM USER FEE**Adopted 2013**

It is herewith resolved that a minimum charge of \$35.00 per user shall be assessed. Whenever the prorated charge to a user is less than \$35.00, that user will be assessed \$35.00.

7. DISTRICT FISCAL YEAR**Adopted 2013**

It is herewith resolved that the fiscal year for Water District No. 34 be defined as starting on the first of the month of the annual meeting, and ending on the last day of the month prior to the annual meeting. The fiscal years shall be referred to using the year of the meeting during which the budget for that fiscal year was adopted.

8. WATER DISTRICT ADVISORY COMMITTEE STRUCTURE**Adopted 2013**

A Water District No. 34 Advisory Committee shall be elected to provide input to the watermaster and the director of IDWR. Unless otherwise provided by resolutions adopted by users at an annual or special meeting of Water District No. 34 as provided for in Idaho code 42-605(6), the role of the Advisory Committee members is advisory only and shall not diminish the authority or responsibilities of the watermaster as provided by Idaho law.

Superseded 2018

The committee shall be composed of ten (10) individuals. One (1) seat for a committee chairman that will serve an annual term, and nine (9) members to be nominated and elected by, and to represent users in various geographical areas in the district. In order to be nominated and represent that area the nominee must live within water district 34 and either live in that area OR hold the majority of his/her water rights in that area. Member's term shall expire after five (5) years but may be reelected by users at that time. If a member leaves the committee prior to the expiration of his/her term, the seat will remain empty until the next regular annual meeting or special meeting of water users, during which meeting, a replacement will be elected by the constituents for the remainder of the unexpired term.

Adopted 2013

The areas to be represented are listed below and described further on the attached maps and accompanying descriptions:

1. Chilly – one (1) seat.
2. Barton flat – one (1) seat.
3. Mackay/Alder Creek – one (1) seat.
4. Leslie – one (1) seat.
5. Antelope – one (1) seat.
6. Moore – one (1) seat.
7. Lost River – one (1) seat.
8. Arco – one (1) seat.
9. ERA Flats – one (1) seat.
10. Chairman – one (1) seat. Representing users at large.

9. DEPUTY WATERMASTER AND ASSISTANTS**Superceded 2014**

The Watermaster is authorized to select up to four (4) people who are totally independent of employment from any canal company, irrigation district, or conveyance corporation and, upon appointment by the Director of IDWR, shall be employed by Water District No. 34 as Deputy Watermasters to assist the Watermaster in performing his duties and responsibilities as provided by Idaho law and to work in any or all of the following general areas.

1. Mackay Reservoir and upstream
2. Mackay Reservoir and downstream including Antelope Creek drainage
3. Groundwater diversions
4. Managed Recharge Assistant

10. VOTING AT WATER DISTRICT MEETINGS**Adopted 2013**

Pursuant to Idaho code 42-605(4), all voting at regular annual meetings of Water District No. 34 shall be by voice or hand, with each user having one vote, unless any one person requests the use of the alternative method (voting by dollars). The request for the alternative method will only apply to the current topic to be voted on and must be made prior to the initiation of the vote by the Chairman.

11. VOTING BY THE ALTERNATIVE METHOD**Adopted 2013**

It is herewith resolved that, in preparation for a request to vote by the alternative method during any annual meeting (as described in Idaho Code § 42-605(4)), a credentials committee will be assembled to determine the number of votes cast by individual users.

The credentials committee shall be composed of 12 members to be selected at the annual meeting in advance of the next annual meeting.

12. WATERMASTER COMPENSATION**Adopted 2013**

The Watermaster is an employee of Water District No. 34, and will be paid biweekly at a rate specified in the adopted budget and will be reimbursed for mileage at the federal reimbursement rate in effect at the time the mileage was incurred.

13. SECRETARY TREASURER COMPENSATION**Adopted 2013**

The Secretary Treasurer is an employee of Water District No. 34, whose compensation is set in the adopted budget and is to be paid biweekly based on actual hours worked during the previous cycle.

14. DEPUTY WATERMASTER COMPENSATION**Adopted 2013**

Deputy Watermasters are employees of Water District No. 34, and will be paid an amount not to exceed that specified in the adopted budget, and will be reimbursed for mileage at the federal reimbursement rate in effect at the time the mileage was incurred.

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**PROPOSED RESOLUTIONS THAT WILL REMAIN IN EFFECT UNTIL
CHANGED BY SUBSEQUENT RESOLUTION OR OTHERWISE ALTERED BY MAJORITY
VOTE OF THE WATER RIGHT OWNERS IN THEIR ANNUAL MEETING OR SPECIAL
MEETING CALLED FOR SUCH PURPOSE**

#9A. QUALIFICATIONS AND DUTIES OF DEPUTY**Adopted 2014****WATERMASTERS AND ASSISTANTS - REPLACES #9. / Sponsored****By Mike Telford**

Water District 34 resolves to ensure a suitable balance between the cost of water distribution and protection against misuse by neglect or abuse of authority. In furthering this endeavor, the watermaster is authorized to select assistants that, upon appointment by the Director of IDWR, shall each be employed by Water District No. 34 as Deputy Watermasters and Assistants to assist the Watermaster in performing his duties and responsibilities as provided by Idaho law. In selecting and assigning deputy watermasters and assistants, the watermaster shall:

1. ensure each assistant employed is adequately trained for the assigned task
2. consult with the Water District No. 34 Advisory Committee to identify any conflicts of interest and develop a protocol to address any alleged conflicts.

15. CONTINGENCY FUND / Sponsored By IDWR (Nick Miller)**Adopted 2014**

Each annual budget adopted by Water District 34 shall provide for a contingency fund of not less than \$10,000 to be held for unanticipated or unusual expenses. Pursuant to Idaho Code 42-605(6), the Water District 34 Advisory Committee is authorized to oversee the use of these funds and disbursements from the contingency fund shall only be made upon a joint request by the advisory committee chairman and the watermaster.

**16. ESTABLISHING GAUGING STATIONS / Sponsored By IDWR
(Nick Miller)****Adopted 2014**

We resolve to establish measuring facilities on the Big Lost River at the Moore Diversion, Arco Diversion and the Chilly Bridge as required by the Water District 34 Distribution Rules (IDAPA 37.03). Further, pursuant to Idaho Code 42-605(6), the Water District 34 Advisory Committee is authorized and charged with carrying out the necessary actions on behalf of the water users to establish those facilities. This authorization includes authorization to disperse funds dedicated to this purpose in the annual Water District 34 budget or otherwise acquired by the water district for this purpose.

17. Hour Meters / Sponsored By Keith Hill**Adopted 2014**

That any measurement device on a ground well approved by the department that does not record the accumulated volumes diverted will:

1. Install an hour meter that will record the time that the diversion pump runs.
2. The hour meter will be installed on the outside wall of the main electrical panel box.
3. It is the responsibility of the water user to ensure that the time clock is maintained and continues to function.

18. Districts Collections of Past Due Accounts**Adopted 2018**

Where as the Water District 34 assessments are due by April 15 of each year and whereas, some diversions either do not receive water or do not have lockable controlling works and cannot be curtailed by the Watermaster. BE IT RESOLVED that if a customer's account(s) has not been paid in full by April 15th of the year assessed, the delinquent account(s) will be referred to a credit reporting agency after October 31st of that year. Prior to referral the user will be given notice by September 15th of their delinquent account. The customer will not be again contacted by Water District 34 but instead will deal solely with the collection agency where a contingent rate and applicable fees will be applied to the unpaid assessment(s). This will warrant that all claims by the collector will be valid, legally enforceable and comply with all applicable laws.

Final Assessment Determination

It is resolved that, in accordance with Idaho Code 42-612(5), the assessment amount for each user as shown in the adopted budget shall constitute a final determination of the amount due for that year.

19. Futil Call**Adopted 2022**

When a downstream senior water right is calling on upstream junior water rights and the efficiency of making the delivery is in question the Water master should curtail the junior rights for 72 hours in order to try to make the delivery.

20. Futile Call**Adopted 2023**

In the event of a futile call on the Big Lost River the Advisory Committee shall have a in-person meeting to discuss and vote on.

Reference lists of committee members

ADVISORY COMMITTEE MEMBERS (as of March, 2023)

1. Chilly – Shane Rosenkrance (2023-2028)
2. Barton Flat – Jake Johnson (2020-2025)
3. Mackay/Alder Creek – Josh Pehrson (2021-2026)
4. Leslie – Brett Williams (2022-2027)
5. Antelope – Shawn Anderson (2019-2024)
6. Moore – Joe Wanstrom (2022-2027)
7. Lost River – Jason Anderson (2020-2025)
8. Arco – Kirk Robertson (2021-2026)
9. ERA Flats – Mark Telford (2022-2027)
10. Chairman – VerNon Roche (Annual term)

2019 CREDENTIALS COMMITTEE

1. Holly Seefried (Chairman)
2. Lani Mulick
3. Jackie Reynolds
4. Bill Moncur
5. Karen Beard
6. Mark Telford
7. Trilby McAfee
8. Lewene Clark
9. Mimi Rosenkrance
10. Jim Gregory
11. Debbie Broadie

RECHARGE COMMITTEE (as of March 2023)

1. Above Mackay Reservoir District #1
 - a. Herb Whitworth
 - b. VerNon Roche
2. Mackay Reservoir to Moore Diversion District #2
 - a. Loy Pehrson
 - b. Randy Pehrson (Chairman)
3. Moore Diversion to Arco Diversion District #3
 - a. Alvin Wheeler
 - b. Jay Jensen
4. Arco Diversion and downstream District #4
 - a. Mark Telford
 - b. Bill Moncur
5. Antelope Creek drainage District #5
 - a. Randy Purser
 - b. Vacant
6. City Representative Jim Gregory
7. City Representative Travis Gilchrist
8. non-water user landowner N/A
9. Watermaster Preston Marcroft

*Alternates. All positions except watermaster are appointed by the advisory committee. The duties, responsibilities, roles, and limitations of the recharge committee are defined by the Plan of Operation and Stipulation Agreement dated April 21, 1997, and Water Rights 34-07571 and 34-07573.